

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Palomino Way PUD, Major PUD Amendment and Final Master Plan Approval (David S. Weinstein, applicant)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Jeff Hopper EXT. 7431

**Agenda Date** 6/28/05 **Regular** ☐ **Work Session** ☐ **Briefing** ☐  
**Public Hearing – 1:30** ☒ **Public Hearing – 7:00** ☐

**MOTION/RECOMMENDATION:**

1. APPROVE the request for a Major PUD Amendment and Final Master Plan Approval to Palomino Way PUD on approximately 2.16 acres, per the attached staff report, and authorize the Chairman to execute the Developer's Commitment Agreement; located at the northeast corner of Palomino Way and Red Bug Lake Road, (David S. Weinstein, applicant); or
2. DENY the request for a Major PUD Amendment and Final Master Plan Approval to Palomino Way PUD on approximately 2.16 acres; located at the northeast corner of Palomino Way and Red Bug Lake Road, (David S. Weinstein, applicant); or
3. CONTINUE the request until a time and date certain.

(District 2 – Morris)

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

This proposal would renew PUD Final Master Plan approval on the site, granted in February 2002, which authorized a 20,000 s.f. office building on the 2.16 acre site. The previous approval lapsed in February 2005, and the applicant is presenting a revised site plan. The previously approved plan indicated a 2-story building adjacent to Red Bug Lake Road on the south side of the property, while the new proposal shows a 1-story structure closer to the back, or north end, of the site. Both plans establish maximum building height at 35 feet.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

On May 4, 2005, the Planning & Zoning Commission voted 4-0 to recommend APPROVAL of the application subject to staff recommendations with the following changes:

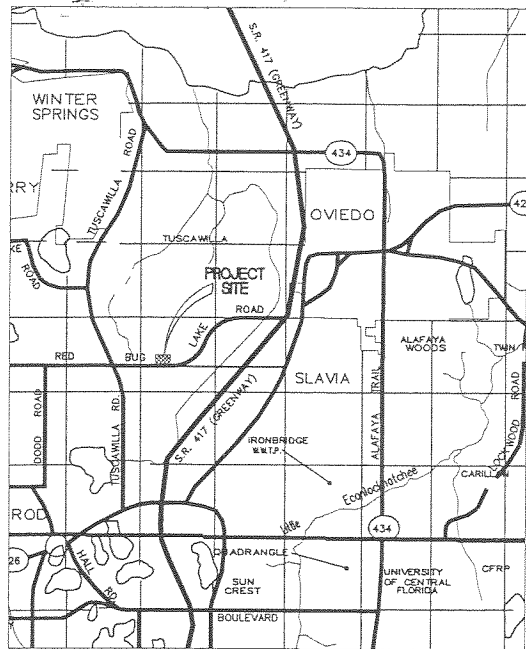
Reviewed by:	<u>RR</u>
Co Atty:	<u>RR</u>
DFS:	
OTHER:	<u>MM For DSF</u>
DCM:	<u>RR</u>
CM:	<u>RR</u>
File No.	<u>ph130pdp01</u>

1. Addition of the following uses to the list of prohibited uses in the Developer's Commitment Agreement:
  - eating establishments
  - beauty shops
  - banks
  - funeral homes
  - facilities for manufacture, processing or distribution of goods
  - communication towers
  - adult living facilities or nursing homes
2. The north buffer shall include a 6-foot split-face block wall, with the decorative textures on both sides of the wall, set back a minimum of 10 feet from the north property line.
3. The west buffer shall include a 6-foot split-face block wall, with the decorative textures on both sides of the wall, set back a minimum of 5 feet from the west property line.

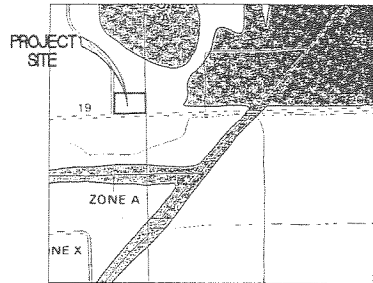
**STAFF RECOMMENDATION:**

Staff recommends APPROVAL subject to conditions listed in the attached Staff Report and Developer's Commitment Agreement.

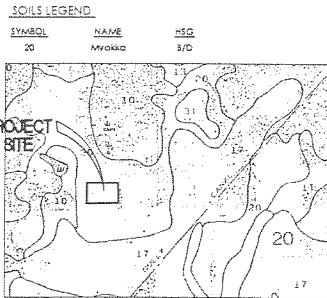
Attachments:      FLU/Zoning Maps  
                         Aerial Photo  
                         Site Plan  
                         Developer's Commitment Agreement  
                         Planning & Zoning Commission Minutes 5/04/05  
                         BCC Minutes 1/13/04  
                         BCC Minutes 2/12/02



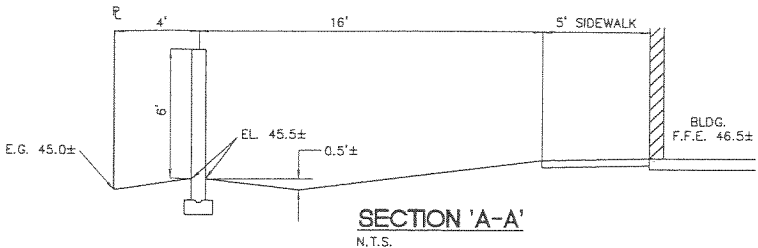
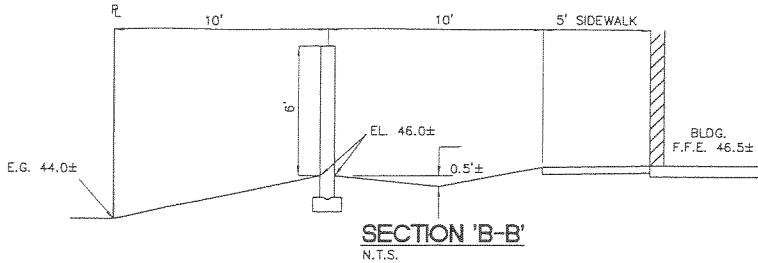
LOCATION MAP  
APPROX SCALE 1" = 3000'



FLOOD MAP  
SOURCE: FRM # 1217C0165 E  
SEMINOLE COUNTY APRIL 17, 1995

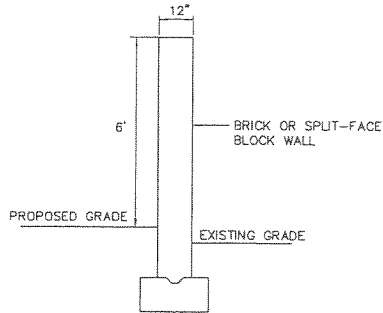


SOILS MAP  
SOURCE: SOIL SURVEY  
SEMINOLE COUNTY, FLORIDA  
1990 EDITION, SHEET 29

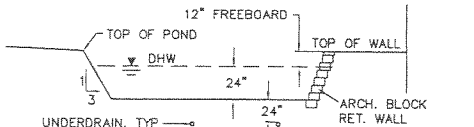


#### SITE DATA AND NOTES

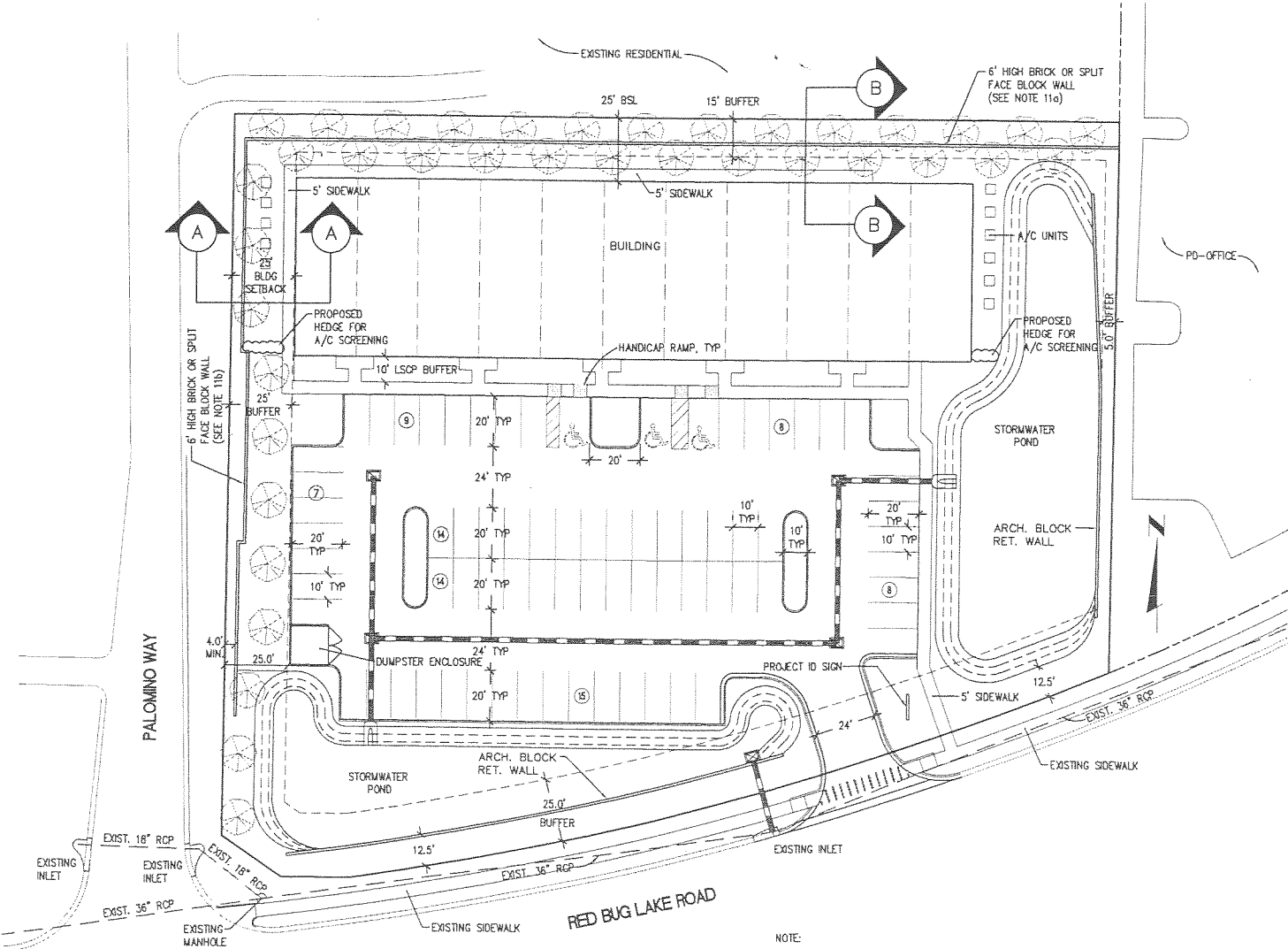
- Property Area: 2.16 Acres
- Zoning: Planned Unit Development (PUD)
- Allowable Uses: Permitted and Special Exception Uses according to OP Zoning District, except the following uses shall be prohibited:
  - Schools
  - Churches
  - Day care / Kindergarten
  - Eating establishments
  - Beauty shops and retail banking locations
  - Funeral Homes
  - Facilities for the manufacture or processing of goods
  - Shops and stores for the retailing of goods
  - Communication towers
  - Adult living facilities or nursing homes
  - Playground
  - Fire Station
- Max. Building Areas: 18,750 SF
- Max. Building Height: 35 feet
- Min. Open Space: 25 percent (0.54 acres)
- Parking Data: 1 space per 250 SF of building area
- Building Setbacks:
  - a. Red Bug Lake Road: 25 feet
  - b. Palomino Way: 25 feet
  - c. East Property Line: 10 feet
  - d. North Property Line: 25 feet (passive use buffer)
- Landscape Buffers:
  - a. Red Bug Lake Road: 25 feet, except the buffer may be crossed by an access driveway
  - b. Palomino Way: 25 feet
  - c. East Property Line: 0 feet
  - d. North Property Line: 15 feet (passive use buffer)
  - e. Building / Parking: 10 feet
- The project site contains no wetland jurisdictional areas.
- Development Commitments:
  - a. A 6 foot high brick or split-face block wall, with the decorative texture on both sides of the wall, and a double row of canopy trees (8 trees per 100 linear feet) shall be installed along the northern property line. Trees shall be a minimum of 8 feet in height and have a minimum caliper of 3-inches one-foot above ground at time of planting.
  - b. A 6 foot high split-face block wall, with the decorative texture on both sides of the wall shall be installed along the western property line. This wall shall be staggered and landscaped on the exterior, with the intent to not present a blank "institutional" wall to the street side. A row of canopy trees (4 trees per 100 linear feet) shall be provided on the interior side of the wall.
  - c. The finished floor elevation of the building may not be raised any higher than necessary to accommodate drainage requirements.
  - d. Signage shall be in accordance with the signage provisions of the Lake Mary Boulevard Overlay ordinance.
  - e. Operating hours shall be limited to between 7 a.m. and 11 p.m.
  - f. Deliveries to the site and garbage service shall be limited to between 7 a.m. and 6 p.m.
  - g. The Owner shall provide road and turn lane improvements required to accommodate the development as determined at the time of site plan review by the Development Review Division.
  - h. No vehicular access shall be permitted between Palomino Way and the subject site.
  - i. No parking of mobile cat scan trucks or other semi-tractor trailers will be permitted on site.
  - j. Site lighting shall be in accordance with Section 30.1233(b) of the Land Development Code, with the exception that the maximum height of parking lot lights shall be 16 feet.
  - k. Onsite building lighting shall be limited to wall washer or up-light fixtures that do not produce spillover lighting. Floodlight fixtures or wall pack lighting mounted on the building wall, roof, or poles are prohibited.
  - l. The office building shall have a pitched roof (hip, gable, or gambrel).
  - m. All sides of the building shall have a similar architectural facade.
  - n. All mechanical equipment, ground or roof mounted, shall be screened from view.
  - o. The Owner shall provide a sidewalk connecting the sidewalk along Red Bug Lake Road to the main building entrance, and no sidewalk shall be provided along Palomino Way.
  - p. The applicant shall have two (2) years to commence substantial development, or the PUD will be reviewed by the Planning and Zoning Commission and Board of County Commissioners, per Section 30.449 of the Land Development Code.
  - q. The County agrees to return the traffic signal at the Red Bug Lake Road/Slavia Road intersection, in order to facilitate ingress and egress at the PUD access onto Red Bug Lake Road.
- Water, Sewer and Stormwater:
  - a. Water: Water services shall be provided by the existing Seminole County water system. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection standards.
  - b. Sanitary Sewer: Sanitary sewer shall be provided by the existing Seminole County treatment facilities. Design of lines and pump stations shall conform to all Seminole County and Florida Department of Environmental Protection standards.
  - c. Stormwater: Stormwater drainage and stormwater management shall be provided on-site according to Seminole County's and the St. Johns River Water Management District's stormwater regulations.



TYPICAL PERIMETER WALL DETAIL  
NTS



TYPICAL STORMWATER POND SECTION  
NTS



NOTE:  
THE STORMWATER MGMT SYSTEM IMPROVEMENTS ARE SHOWN SCHEMATICALLY  
AND ARE SUBJECT TO REFINEMENT AT THE TIME OF FINAL SITE PLAN SUBMITTAL

SITE PLAN  
SCALE: 1"=30'

DESIGNED BY:	PLB	1
DRAWN BY:	ACAD	1
CHECKED BY:	FIN	1
APPROVED BY:	ROM	1
PROJ. No.	DNA-01	
DATE	02/11/05	
SHEET	1	1

Professional Engineering Consultants  
**PEC**  
engineers planners surveyors  
Board of Professional Engineering Certificate No. 3504  
Seminole County Center 200 East Rockwood Street  
Orlando, Florida 32801  
Tel 407/422-8662 Fax 407/589-9451

PALOMINO WAY PUD  
FINAL MASTER PLAN

REMOVED PURSUANT TO SEMINOLE COUNTY COMMENTS 5/25/05  
REMOVED PURSUANT TO 5/04/05 P&Z MEETING  
DATE  
REV  
2  
1  
05/26/05  
05/09/05  
DATE  
REV

## PALOMINO WAY PUD

REQUEST INFORMATION		
APPLICANT	David S. Weinstein	
PROPERTY OWNER	Wen Wen Shieh	
REQUEST	PUD Major Amendment and approval of Final Master Plan and Developer's Commitment Agreement	
HEARING DATE (S)	P&Z: May 4, 2005	BCC: June 28, 2005
PARCEL NUMBER	19-21-31-5UN-0000-0010	
LOCATION	Northeast corner of Palomino Way and Red Bug Lake Road	
FUTURE LAND USE	Planned Development (PD)	
FILE NUMBER	Z2005-013	
COMMISSION DISTRICT	2- Morris	

### OVERVIEW

This proposal would renew PUD Final Master Plan approval on the site, granted in February 2002, which authorized a 20,000 s.f. office building on the 2.16 acre site. The previous approval lapsed in February 2005, and the applicant is presenting a revised site plan. The previously approved plan indicated a 2-story building adjacent to Red Bug Lake Road on the south side of the property, while the new proposal shows a 1-story structure closer to the back, or north end, of the site. Both plans establish maximum building height at 35 feet.

The previous PUD Final Master Plan was approved February 12, 2002, with a stipulation in the Developer's Commitment Agreement that "substantial construction" should begin within 2 years of the date of approval, an increase of 1 year over the time limit specified in the Land Development Code. At the end of this time period, the property owner requested a 1-year extension, which the Board granted. This extension expired February 12, 2005 with no site improvements having been made within the allotted time period. At that point, Staff referred the item back to the Planning & Zoning Commission and Board of County Commissioners, as required under Section 30.449 of the Land Development Code. Staff contacted the Palomino Way Homeowners Association to notify them of today's public hearing.

A maximum building size of 18,750 s.f. is noted on the new site plan, while the building footprint measures slightly less than 18,000 s.f. The 75 parking spaces shown on the plan are sufficient to support the proposed 18,750 s.f. of floor area. However, given the required buffers and setbacks on the north, west and south, the building most likely would only expand toward the east, encroaching on the proposed location of several A/C units and a stormwater retention pond. Unless the applicant can demonstrate that the site can accommodate a larger building, Staff recommends the request be approved at a maximum of 18,000 s.f. of building area.

An issue the applicant raised prior to the P & Z hearing relates to a provision of the DCA limiting finished floor elevation to a level just high enough to accommodate drainage requirements. The document included this stipulation to prevent fill of the site beyond engineering requirements, which could result in excessive structural heights as compared to neighboring development. In order to ensure that the proposed building remains in scale with adjacent properties and required buffering and setbacks within the site, Staff recommends the document retain this provision.

According to the site plan, retention ponds would have sloping, architectural block retaining walls along the south and east edges of the site. This feature raises safety concerns if the angle of slope is too steep. Staff recommends that the ponds be designed to avoid the requirement for fencing, as established by the Land Development Code. The applicant will fully address this and other technical issues at Final Engineering. Should the applicant not be able to design the retention pond in such a manner during Final Engineering, a PUD amendment will be required.

### Existing Land Uses:

(North)			
(West)	<b>SE</b> SF Residential <i>A-1</i>	<b>SE</b> SF Residential <i>A-1</i>	<b>PD</b> Office/Vacant <i>PUD</i>
	<b>SE</b> Church <i>A-1</i>	<b>PD</b> Vacant Commercial Structure <i>PUD</i>	<b>PD</b> Office <i>PUD</i>
	<b>PD</b> Golf driving range <i>PCD</i>	<b>LDR</b> Vacant <i>A-1</i>	<b>LDR</b> SF residential <i>A-1</i>
(South)			(East)

\* See enclosed future land use and zoning maps for more details.

**\*Bold** text depicts future land use designation, plain text depicts the existing use, and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

### SITE ANALYSIS

#### **Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified. The applicant has deferred concurrency testing.
2. The proposed rezone is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for

facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.

3. Water and sewer service are provided by Seminole County.
4. Information on stormwater capacity and outfall must be provided prior to final engineering approval.

**Compliance with Environmental Regulations:** Prior to approval of final engineering plans, the developer will be required to provide a Listed Species survey report.

**Compatibility with Surrounding Development:** Subject to conditions in the attached Developer's Commitment Agreement, the proposed PUD amendment is compatible with surrounding developments and is consistent with the approved Planned Development (PD) future land use designation.

#### **PLANNING & ZONING COMMISSION RECOMMENDATION:**

On May 4, 2005, the Planning & Zoning Commission voted 4-0 to recommend APPROVAL of the application subject to staff recommendations with the following changes:

1. Addition of the following uses to the list of prohibited uses in the Developer's Commitment Agreement:
  - eating establishments
  - beauty shops
  - banks
  - funeral homes
  - facilities for manufacture, processing or distribution of goods
  - communication towers
  - adult living facilities or nursing homes
2. The north buffer shall include a 6-foot split-face block wall, with the decorative textures on both sides of the wall, set back a minimum of 10 feet from the north property line.
3. The west buffer shall include a 6-foot split-face block wall, with the decorative textures on both sides of the wall, set back a minimum of 5 feet from the west property line.

#### **STAFF RECOMMENDATION**

Staff recommends APPROVAL subject to conditions listed in the attached Developer's Commitment Agreement.

**PALOMINO WAY PUD**  
**FINAL PUD MASTER PLAN**  
**DEVELOPER'S COMMITMENT AGREEMENT**  
**COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On June 28, 2005, the Board of County Commissioners of Seminole County approved this Developer's Commitment Agreement relating to and touching and concerning the following described property:

**1. LEGAL DESCRIPTION**

THE SOUTH 335.00 FEET OF THE EAST 350.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 31 EAST, ALSO KNOWN AS LOT 1 OF UNRECORDED "PARKER SUBDIVISION", ACCORDING TO THE DEED THEREOF, AS FOUND IN OFFICIAL RECORDS BOOK 691, PAGE 637, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY ON SOUTH FOR RED BUG LAKE ROAD.

**2. PROPERTY OWNER**

The property is owned by Wen Wen Shieh (herein referred to as "Owner").

**3. REQUESTED DEVELOPMENT APPROVAL**

Approval of a PUD Final Master Plan attached hereto as Exhibit "A" and incorporated herein by reference.

**4. STATEMENT OF BASIC FACTS**

- A. Total Area: 2.16 acres
- B. Zoning: Planned Unit Development
- C. Allowable Uses: General Office
- D. Maximum Building Size: 18,000 square feet
- E. Maximum Building Height: 35' and 1 story
- F. The development approval sought is consistent with the Seminole County Vision 2020 Plan and will be developed with and in compliance with all other applicable regulations and ordinances.
- G. The Owner of the property and the contract purchaser have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow, and perpetually burden the aforescribed property.

## **5. OPEN SPACE**

Maintenance of the open space shall be the responsibility of the Owner or Property Owners' Association, contract purchaser or its assigns.

Total Land Area: 2.16 acres  
Required Open Space: 2.16 acres x 25% = 0.54 acres  
Open Space Provided: 0.54 acres

## **6. BUILDING SETBACKS**

South: 25'  
East: 10'  
North: 25'  
West: 25'

## **7. PERMITTED USES AND PROHIBITED USES**

Permitted & Special Exception Uses in OP shall be allowed by right within the PUD.

The following uses shall be prohibited:

- schools
- churches
- day care/kindergarten facilities
- eating establishments
- beauty shops
- banks
- funeral homes
- facilities for manufacture, processing or distribution of goods
- communication towers
- adult living facilities or nursing homes

## **8. LANDSCAPE & BUFFER CRITERIA**

- A. On the north property line, the Owner shall provide a 15-foot irrigated buffer. The buffer shall include a 6-foot split-face block wall, with the decorative textures on both sides of the wall, set back a minimum of 10 feet from the north property line. Landscaping shall consist of 4 canopy trees per 100 linear feet on each side of the wall. Trees shall be a minimum of 8 feet in height and have a minimum caliper of 3 inches at a height of 1 foot above ground at the time of planting.
- B. The Owner shall provide a 25-foot irrigated buffer along the west property line, containing a 6-foot split-face block wall, with the decorative textures on both sides of the wall, set back a minimum of 4 feet from the west property line. This buffer shall include 4 canopy trees per 100 linear feet, 3" in diameter as



- measured 1 foot above ground. The final design of the wall shall be consistent with the drawing attached hereto as Exhibit C. No encroachments into the buffer shall be permitted except mechanical units and a 5-foot sidewalk adjacent to the west side of the building, which is for emergency ingress/egress.
- C. The Owner shall provide a 25-foot irrigated buffer on the south, adjacent to Red Bug Lake Road. Landscaping in this buffer shall be in accordance with the Land Development Code.
  - D. There shall be a 10-foot foundation buffer between the building and parking areas.
  - E. Landscape buffers and landscaping shall conform to Seminole County Land Development Code requirements.

## **9. DEVELOPMENT COMMITMENTS**

- A. The finished floor elevation shall not exceed the level necessary to accommodate drainage requirements, as determined by the Development Review Manager.
- B. Signage shall be in accordance with the signage provisions of the Lake Mary Blvd. Overlay standards.
- C. Business hours shall be limited to 7 a.m. through 11 p.m.
- D. Deliveries to the site and garbage service shall be limited to the hours of 7 a.m. through 6 p.m.
- E. The Owner shall provide any road improvements, including turn lanes, required to accommodate the development. Roadway improvement requirements shall be determined at the time of final engineering review by the Development Review Division.
- F. No vehicular access shall be permitted between Palomino Way and the subject property.
- G. In the event the County secures a cross-access easement over the property to the east prior to issuance of building permits, the subject site shall be reconfigured and reconstructed to provide vehicular access through said easement.
- H. No parking of mobile cat-scan trucks or semi-tractor trailers shall be permitted on the site.
- I. On-site building lighting shall be limited to wall-washer or up-light fixtures that do not produce spillover lighting. Floodlight fixtures or wall pack lighting mounted on the building wall, roof, or poles are prohibited. These requirements shall not apply to parking lot lighting fixtures.
- J. The office building shall have a pitched roof (hip, gable or gambrel).
- K. All sides of the building shall have a similar architectural façade.
- L. All mechanical equipment, ground or roof mounted, shall be screened from off-site view.
- M. The Owner shall provide a sidewalk connecting the sidewalk along Red Bug Lake Road to the main building entrance.
- N. The Owner shall have one (1) year to commence substantial development or the PUD shall be reviewed by the Planning & Zoning Commission and Board of County Commissioners, per Section 30.449 of the Land Development Code.

O. Retention ponds shall be designed such that they are not required to be fenced.

#### **10. WATER, SEWER & STORMWATER**

**Water:** Potable water service shall be provided by the existing Seminole County water system. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection standards.

**Sewer:** Sanitary sewer service shall be provided by the existing Seminole County treatment facilities. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection standards.

**Stormwater:** Stormwater drainage and stormwater management shall be provided on-site according to applicable regulations of Seminole County and the St. Johns River Water Management District.

**Fire Protection:** Fire protection shall be provided by Seminole County. Fire flow shall be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrants and fire lanes shall be located according to Seminole County regulations.

#### **11. STANDARD COMMITMENTS**

1. Unless specifically addressed herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
2. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owner of the property.
3. The Developer's Commitment Agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the Agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or in part by action of Seminole County by virtue of a document of equal dignity herewith. The Owner of said property has expressly covenanted and agreed to this provision and all other terms and provisions of the Developer's Commitment Agreement.
4. The terms and provisions of the Developer's Commitment Agreement are not severable, and in the event any portion of this Developer's Commitment Agreement shall be found to be invalid or illegal, then the entire Agreement shall be null and void.

**DONE AND ORDERED ON THE  
DATE FIRST WRITTEN ABOVE**

**By:**

**Carlton D. Henley, Chairman  
Board of County Commissioners**

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Wen Wen Shieh, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
WEN WEN SHIEH

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

**STATE OF FLORIDA**

**COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared WEN WEN SHIEH, and is personally known to me or who has produced \_\_\_\_\_ as identification and who acknowledged and executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**EXHIBIT A**

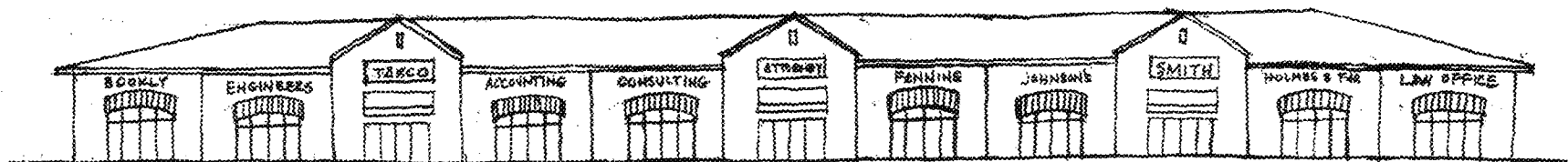
**FINAL MASTER PLAN**

THE SEWAGEWATER TREATMENT SYSTEM IMPROVEMENTS ARE SHOWN SCHEMATICALLY AND ARE SUBJECT TO REFINEMENT AT THE TIME OF FINAL SITE PLAN SUBMITTAL.

**SITE PLAN**  
SCALE: 1"=30'

**EXHIBIT B**

**BUILDING ELEVATIONS**



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

PALOMINO WAY P.U.D.  
ATTACHMENT "A"-ELEVATIONS

**EXHIBIT C**

**WEST BUFFER WALL DESIGN**



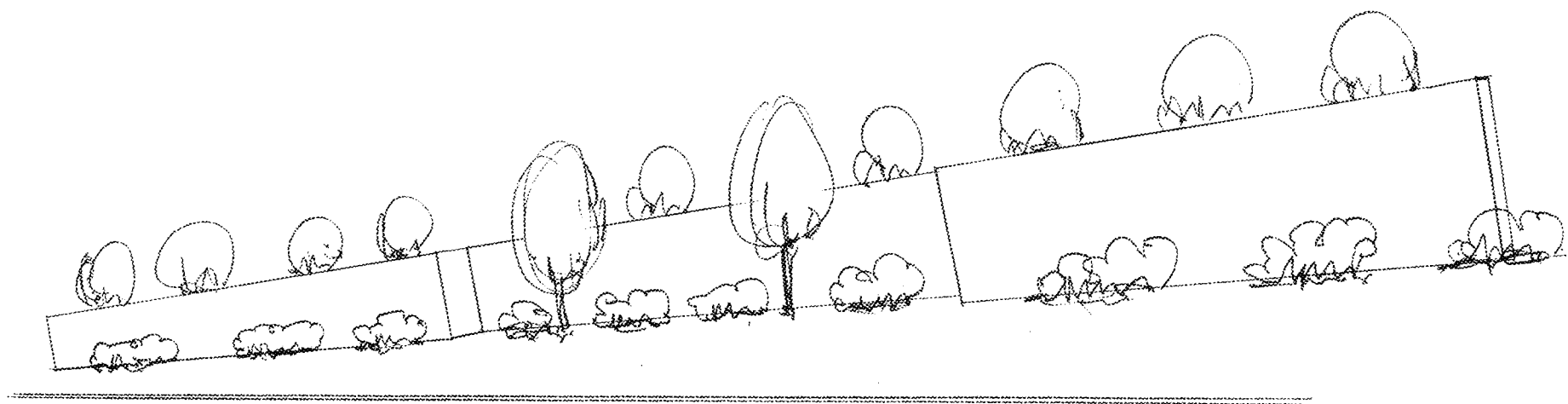
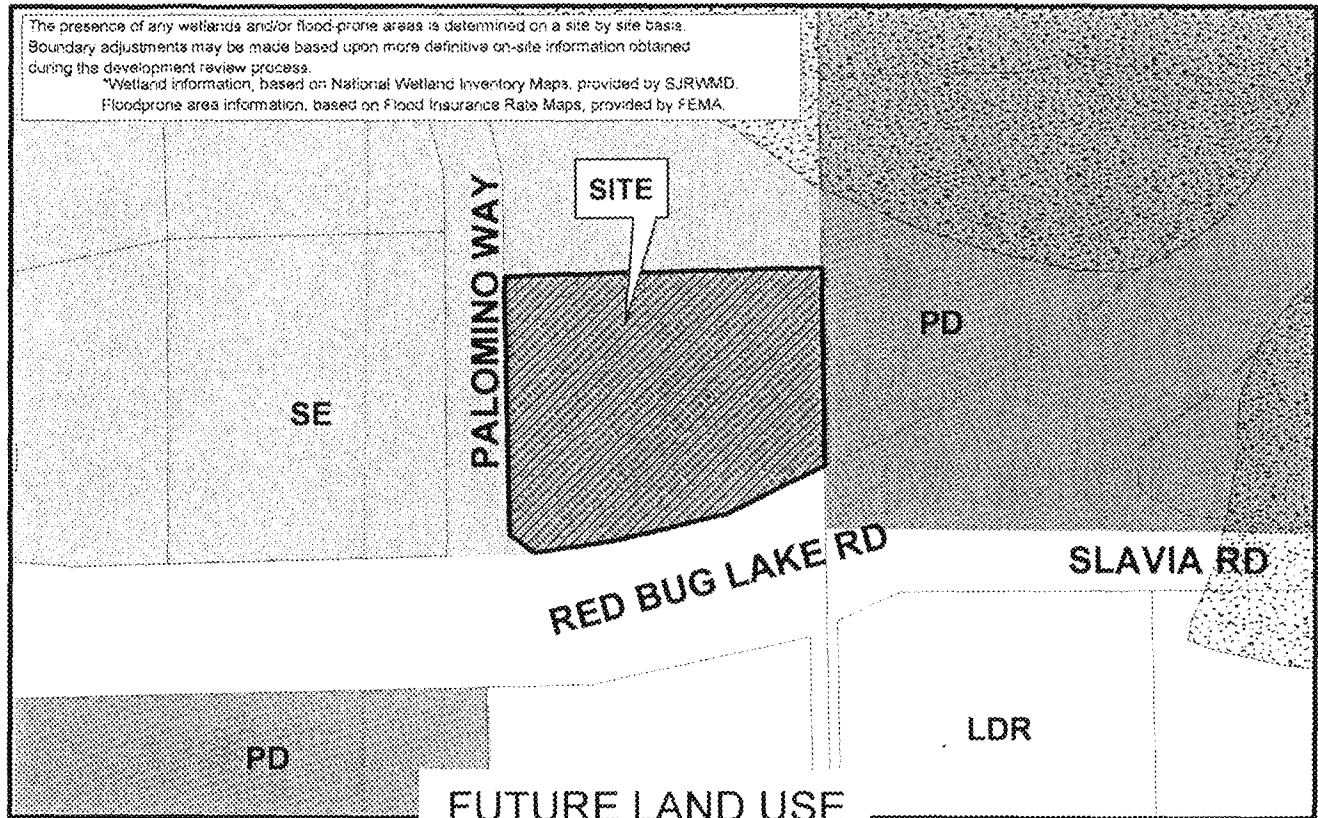


EXHIBIT C(1) - WEST PERIMETER WALL - 6' HIGH SPLIT FACE BLOCK  
PALOMINO WAY P.U.D. 5/4/05

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Flood-prone area information, based on Flood Insurance Rate Maps, provided by FEMA.

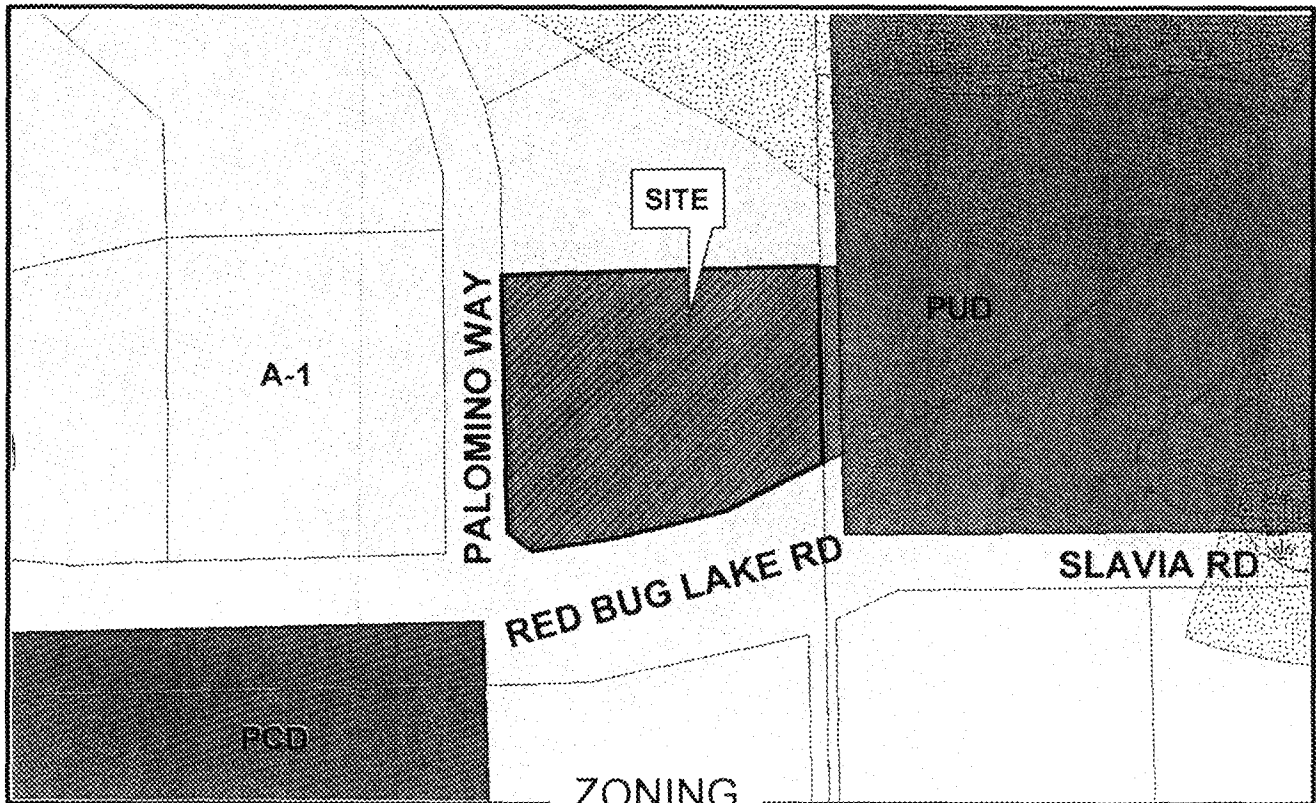


**FUTURE LAND USE**

Site
  LDR
  PD
  SE
  CONS

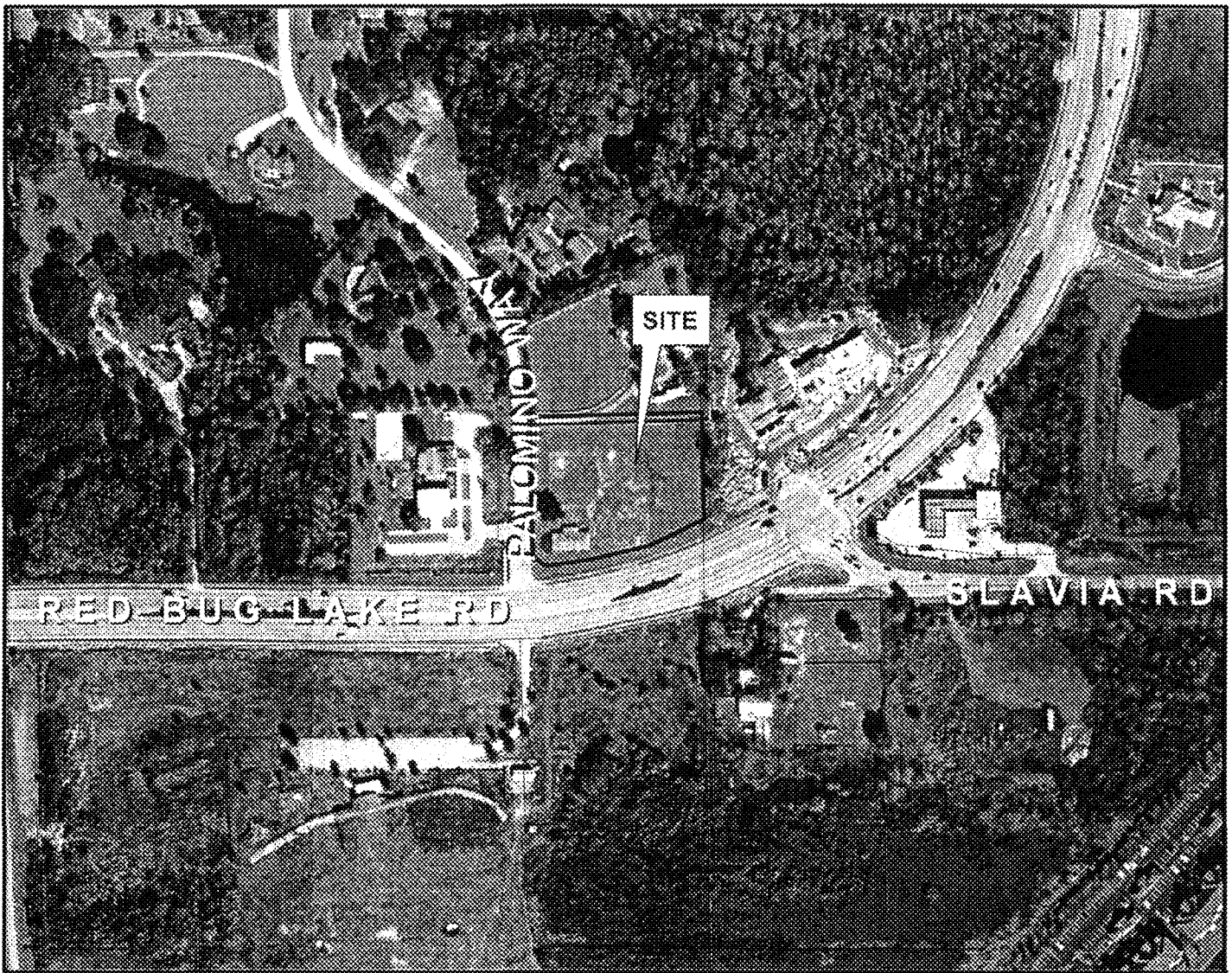
Applicant: David Weinstein  
 Physical STR: 19-21-31-5UN-0000-0010  
 Gross Acres: 2.16 +/- BCC District: 2  
 Existing Use: Single Family Structure  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	---	---	---
Zoning	Z2005-013	PUD	PUD



**ZONING**

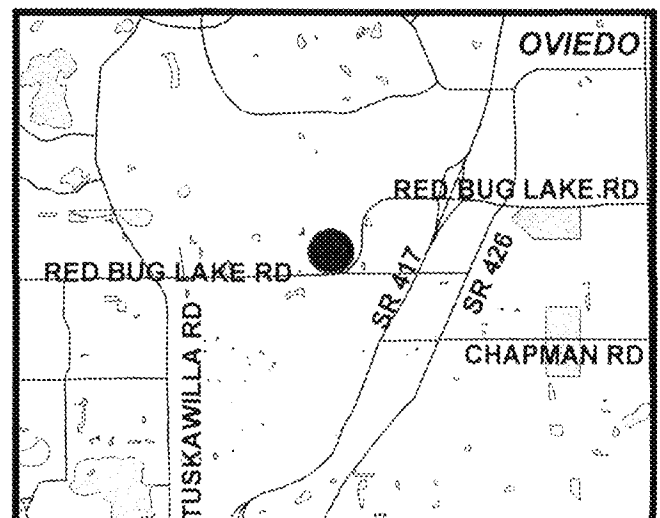
A-1
  PUD
  PCD
  FP-1
  W-1

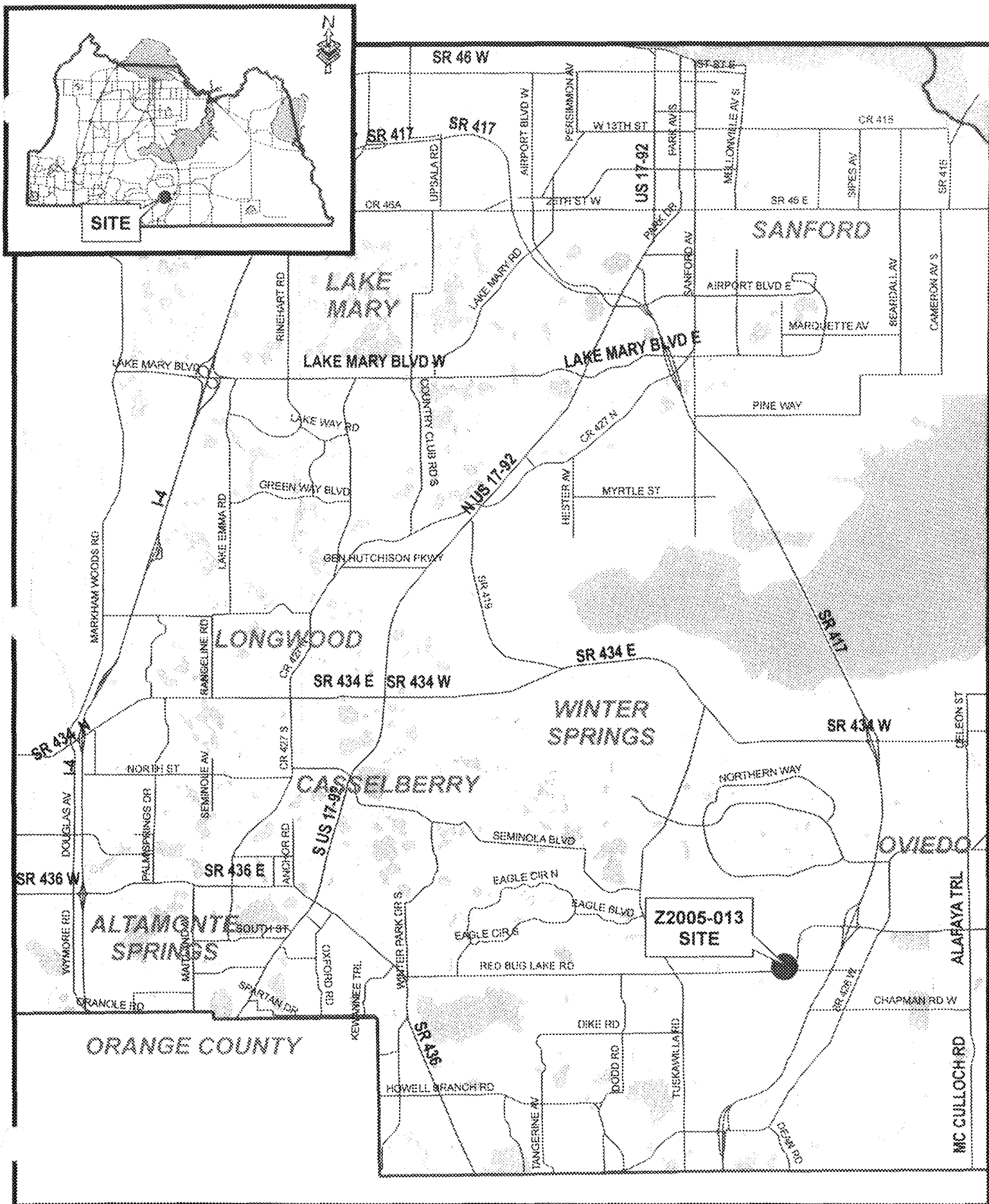


Rezone No: Z2005-013  
 From: PUD To: PUD  
 [Outline] Parcel  
 [Thick Outline] Subject Property



January 2004 Color Aerials





**MINUTES FOR THE  
SEMINOLE COUNTY LAND PLANNING AGENCY/  
PLANNING & ZONING COMMISSION  
May 4, 2005  
7:00 P.M.**

**Members present:** Matt Brown, Ben Tucker, Beth Hattaway, and Chris Dorworth.

**Members absent:** Dudley Bates, Walt Eismann, and Richard Harris

**Also present:** Tina Deater, Senior Planner; Jeffrey Hopper, Senior Planner; Tom Radzai, Senior Engineer; Ann Colby, Assistant County Attorney; Tony Walter, Assistant Planning Manager; Earnest McDonald, Principal Coordinator; Matt West, Planning Manager; Dan Matthys, Director of Planning and Development; and Candace Lindlaw-Hudson, Senior Staff Assistant.

**C. Palomino Way PUD:** **David S. Weinstein, applicant;** approximately 2.16 acres; PUD Major Amendment and Final Master Plan approval for Palomino Way PUD; located on the northeast corner of Red Bug Lake Road and Palomino Way. (Z2005-013)

Commissioner Morris – District 2

Jeffrey Hopper, Senior Planner

The applicant wishes to renew PUD approval for a 20,000 square foot office building on the site. The previous PUD approval expired in February, requiring the applicant to go back through the zoning process and present the development concept to this Commission and the Board of County Commissioners. The earlier plan showed a 2-story office building adjacent to Red Bug Lake Road at the south end of the property. The new plan is similar to the previous plan in use and intensity. The major difference is that the building is now to be 1 story and located near the rear of the site.

On the north side, the applicant proposes to meet the earlier requirement for a 6-foot wall by incorporating the appearance of a buffer wall into the building, adjacent to the Parker Subdivision. This may be acceptable because the building would have a uniform appearance on the front and rear and would be architecturally compatible with nearby residential uses. Also on the north side, the site plan shows separate 6-foot walls in short segments, to the east and west of the building. The west buffer would be 25 feet in width and would include a 6-foot wall along the Palomino Way frontage.

As to permitted development on the site, this would be limited to OP or office uses.

The site plan proposes a maximum of 20,000 square feet, but the footprint drawn on the plan is less than 18,000 square feet in size. Staff's recommendation of

19,000 square feet is based on the 76 parking spaces drawn on the plan, at a requirement of 1 space per 250 square feet.

Staff recommendation was for approval, subject to conditions listed in the staff report and Developer's Commitment Agreement, including: the site would be limited to office uses; the building would be a maximum of 19,000 square feet in size and 1 story in height; an elevation of the west buffer wall shall be presented to the Board of County Commissioners along with building elevations; and no direct access to Palomino Way.

Mr. Hopper offered one correction to the Developer's Commitment Agreement (DCA) included in the staff report: Item F: to read "rear of building shall have transom style windows and a 5-foot sidewalk to the rear."

Commissioner Brown referred to the DCA and asked about page 3, Item D. Why was a time limit listed pertaining to garbage service?

Matt West stated that commercial garbage dumpsters are heavy and make a lot of noise being emptied.

Commissioner Tucker asked about drainage and fill issues on the site.

Mr. Hopper stated that no fill would exceed what is required to provide adequate drainage from the site.

Commissioner Tucker asked if it would drain onto Red Bug Road.

Tom Radzai stated that the plan will outfall to Red Bug Lake Road's stormwater system.

Commissioner Tucker asked where the wall would be in terms of fill.

Mr. West stated that the wall will be at existing grade. They will be grading up from the existing site.

David Weinstein stated that he had a meeting with the Parker subdivision and an adjacent neighbor. The new site plan reflects what the neighbor wants: a 6-foot wall going fully across the northern property line. Also, there was a line of sight issue when pulling onto Slavia Road. The wall has been tapered and scaled back to give good vision when approaching Slavia Road. Also, there was a limitation of use concern about cell towers. Mr. Weinstein stated that he has agreed to prohibit cell towers from being in the PUD.

Mr. Weinstein had questions about the PUD. Item 9G – concerning cross-access; this will not be achieved. Physicians Associates are not interested in giving cross access. Current plans show a retention pond in the location where



the cross access would be located. He would like the references to cross access deleted, since it will not be possible. Once he generates engineering plans without the cross-access, it will be very expensive to go back and change things.

Item 9 – I, pertaining to lighting also concerned Mr. Weinstein. The lot must be illuminated with lights on a pole. Lights on the building will be contained and directed according to the Code, but to safely light the parking lot, lights will be put on a pole.

Also, Exhibit C: concerning the wall on the west side of the property: a split block faced wall will be place, with some "jogging" in the line of the wall for landscaping.

Mr. Weinstein then addressed the site plan, indicating that he would like to stagger the placement of trees to alternate on either side of the wall on the north side of the property, rather than having them on only one side. This would help the growth process of the trees.

Mr. Weinstein stated that the dumpster is indicated on the site plan as being right next to the entrance driveway. Mr. Weinstein proposed to move the dumpster over to the southwest corner of the property for safety and security. It will also be shielded from view.

Rick Merkel from Professional Engineering Consultants addressed the concerns about the fill on the site. The wall along the Palomino Road side will be close to road grade. On the north side, the wall is positioned off the property line, because the site will be filled about 4 feet above existing grade to facilitate drainage. The wall detail was submitted in the current request, to enable the re-approval of the master plan. Wall details were to be submitted to the BCC prior to the approval of the final master plan.

Noreen Hodap lives at 1481 Palomino Way, immediately adjacent to the site of the application. She stated that the Parker subdivision homeowners are concerned about this transitional use. She has met with Mr. Weinstein and other property owners from the Parker subdivision. She would like to be sure that the conditions they agreed upon are included in the commitments.

Ms. Hodap listed the conditions as follows: 1) All landscaping shall be under irrigation; 2) the dumpster will be blocked by the wall from view from the street. 3) prohibited uses to include: schools, churches, banks, day care centers, kindergartens, eating establishments, beauty shops, funeral homes, facilities for the manufacture and processing of goods, shops and stores for retailing or wholesaling of goods, and adult living facilities or nursing homes.

Ms. Hodap questioned the grade of the property. Her neighborhood has been there since the 1970's. It is an actual subdivision. When this PUD zoning was

created, the cross-access easement was required as a term of the granting of the zoning. It is necessary. She wanted to know if the county can require it to get access to the light.

Commissioner Tucker asked if the cross-access was necessary to keep traffic from going onto Palomino Way.

Ms. Hodap said that was required to keep traffic off of the road.

She also wanted to know about the grade of the property and the height of the wall. She was also concerned about the coverage of the dumpster and its being visible from the street.

Commissioner Brown stated that Seminole County has an enclosure law for dumpsters.

Jeff Hopper stated that there is a 25-foot buffer required adjacent to Palomino Way so that the dumpster could not be close enough to be connected to the wall.

Commissioner Tucker asked Ms. Hodap if she was in agreement with Mr. Weinstein's suggestion that the trees would be staggered on either side of the perimeter wall.

Ms. Hodap said she had no objection if they could be irrigated, since her adjoining property had no irrigation.

Linda Sinkovich spoke next, representing the Oviedo Crossings Professional Plaza at 7408 Red Bug Lake Road, Oviedo. This property is east of the property under discussion, with access to the traffic light. The property at Oviedo Crossings Professional Plaza is 22,000 square feet of occupied medical suites. It is owned by the physicians who occupy it. Their concern is for the safety of their patients. The office is visited by children, people taking physical therapy, pregnant women, and elderly patients on walkers. The physicians feel that cross access traffic would pose a safety hazard to their clients and therefore do not wish to grant access to their property for that reason.

Lex Wood spoke next, representing the 23 homeowners of the Parker Subdivision Homeowners Association as their president. He is concerned that everything done on the subject property be transitional to residential zoning of his neighborhood. The medical plaza cooperated in being transitional by keeping to one story. They did a good job on their transitional use plan with colors, lighting, dumpster placement, and so on.

Drainage on Palomino Way is a concern as well.

Commissioner Tucker asked if there was a valid PUD in place on the site.



Mr. Fox said that the current PUD had expired, thus this application.

Commissioner Tucker asked Mr. Fox if he felt that the current application was an improvement over what had been previously agreed to.

Mr. Fox stated that the current application was a big improvement. He would like to see it monitored to keep the transitional use plan implemented.

Commissioner Brown said that the original plan had included 2-story development.

Mr. Weinstein said that he will be using the same architect that was used on the physician's medical plaza. The one story building will be appropriate to the site. As for uses of the offices, dental and medical offices and general office type uses.

Rick Merkel stated that the wall on the back side of the building next to the residences will be a full 6-foot wall.

Tom Griffin of McCree, Inc. is the architect on the project. He said that the windows would not be able to see into people's yards because the wall would be blocked. He did plan ground level windows.

Jeff Hopper said that the development order calls for transom windows in the rear of the building, preventing a view of adjacent property.

Commissioner Hattaway asked about the irrigation of the trees which would be placed on either side of the wall.

Mr. Merkel said that all of the landscaping would be irrigated. He also spoke about condition 9O, which addresses the stormwater pond. He would like to have this removed. He has a decorative wall on either side of the pond. This would be about 30 inches high and would not need a rail along it. The wall along Red Bug Road is about 12 feet back. The depth of the pond is 24 inches maximum.

The public hearing was now closed.

Matt West stated that there had been many changes brought up tonight. On one item there was concern: it will be necessary to continue this item if the applicant wishes to change condition "O" because of the impacts on safety issues.

Mr. West talked about condition "I" which talks about building lighting. He stated that the parking lot lighting is not addressed in this item. What was being conditioned is the building lighting. It should not shine straight out on the back

and sides of the building. On the front, there could be some type of architectural lighting that will not bleed into the adjacent residential areas. Pertaining to item "G," the County cannot make someone give a cross-access easement.

Commissioner Tucker stated that it is his experience that medical facility parking is never adequate compared to the numbers of people who really show up.

Commissioner Brown stated that typically the County would require the traffic to exit the site onto Palomino Way, not spilling out onto Red Bug Road. We should be using the curb cut we already have.

Mr. West agreed that it is good to reduce the number of curb cuts required.

Mr. West addressed the issue of the wall. It was staff's opinion that if the building had transom windows, the building would be more attractive. This could eliminate the need for a 6-foot masonry wall. The concern is for landscape maintenance, with landscaping being on both sides of the wall. How is the landscaping on the far side of the wall accessed? The lawn mowing crew will need to access it without using Palomino Way, because they have been told not to use Palomino Way. Will there be a gate in the wall?

Commissioner Tucker pointed out that the offset wall with landscaping in the indentions will cause a landscaping crew to access Palomino Way. He felt that the "access" referred to was pertaining to vehicular traffic.

Mr. West stated that the current Development Order says that there will be no access to Palomino Way from this site. It will have to be put in the language about this.

Commissioner Brown asked if Palomino Way were public or private.

Mr. West said that it was a private right of way.

Commissioner Brown pointed out that the wall cannot be on the property line anyway, since it has a foundation.

Mr. West wanted to make it clear that people will be accessing the outside of the property for maintenance purposes.

Commissioner Brown said that the wall will have to be in at least 4 feet to keep people from breeching the private right of way.

Mr. West said the wall appears to be in at least 20 feet from the north property line, according to the plan submitted.

Commissioner Tucker asked the applicant how far in from the north property line the wall is to be placed.

Mr. Merkel said that the distance was going to be 10 feet off of the north property line with the trees on either side of it. The wall along Palomino Way was to be as close to the line as possible, with staggered footprint. That is a good question.

Commissioner Brown wondered if the site has deeded access to Palomino Way.

Mr. Merkel said that he had run the wall the length of the rear at the request of the property owner to the rear. The only way to get to the outside areas will be via a gate.

Mr. West restated that the dumpster be required to be screened. It could be fenced. As a condition, we could state that the screening be of the same material as the exterior wall, although it is not required.

Pertaining to the cross-access easement, it could be stated that the condition will be void if the easement is not obtained prior to the building permit.

Mr. West also stated that the property to the west is part of the Oviedo Mall DRI. Any change could be objected to as changing traffic counts and the like.

Commissioner Hattaway asked about parking lot lighting.

Mr. West stated that the applicant would be required to meet the Code on the lighting in the parking lot.

Commissioner Tucker reviewed the changes as follows: for Item 9 "D" – 7 a.m. is good; Item "G" is void; and Item "I" is good.

There was continuing discussion on Item "O". Mr. West stated that he preferred not to have a retaining wall.

Tom Radzai stated that engineering would be looking for some type of architectural feature; they did not want a smooth, vertical concrete wall. If it were terraced with landscaping features that are safe, Mr. Radzai said that he could approve that. The details could be worked out without a continuance.

Commissioner Brown asked if the transom windows would be acceptable to the developer.

Mr. McCree said they were fine.

Commissioner Brown said that with the wall being out back, transom windows would not be necessary.

Mr. West agreed.

Commissioner Brown said it would be nicer to look out at the landscaping.

Mr. West said that Section 7 – Prohibited uses – information needs to be turned in to finalize the list.

Commissioner Tucker then asked about the gates in the wall to allow for landscape maintenance.

Mr. Merkel said that he would pull the wall back 5 feet from the right-of-way line in order to allow for access.

Commissioner Brown then stated that the walls should be the double-faced split block construction, not concrete block.

Mr. Merkel agreed.

**Commissioner Brown made a motion to approve the request.**

**Commissioner Dorworth seconded the motion.**

**The motion passed 4 – 0.**

Planner, Jeff Hopper, addressed the Board to present the minor amendment to the **Palomino Way** PUD Final Master Plan and Developer's Commitment Agreement for property located north of Red Bug Lake Road and east of **Palomino Way**, Sherri Fragomeni. He advised a provision was included in the agreement that allowed the applicant a 2-year period to commence substantial development before being referred back to the Planning & Zoning Commission and BCC for re-consideration of the approved PUD zoning. He stated that staff has learned that the owner is in the process of selling the property and would like to request an extension for one year or more to accommodate new property owners. He added that the staff has no objection to a 1-year extension.

District Commissioner Morris stated that this has been around for a long time and would like to see this development moved along as soon as possible.

**Motion** by Commissioner Morris, seconded by Commissioner Maloy to approve Minor Amendment/Addendum #1, as shown on page \_\_\_\_\_, to the **Palomino Way** PUD Final Master Plan and Developer's Commitment Agreement for property located north of Red Bug Lake Road and east of **Palomino Way**.

Districts 1, 2, 3, 4 and 5 voted AYE.

2. Authorize expenditure in the amount of \$200 from the Law Enforcement Trust Fund to contribute to Rock Lake Middle School's drug-free, alcohol-free eighth grade graduation celebration.

Districts 1, 2, 3, 4 and 5 voted AYE.

#### REGULAR AGENDA

Debbi Leigh, Code Enforcement, addressed the Board to request direction with regard to Code Enforcement Lien on property located at 2301 Wacassa Street, Geneva, Richard F. Kletty III and Monica Kletty, Case #01-15-CEB. She advised the Klettys abandoned the property and Mr. John Iannotti, the mortgage holder, received the property by default of the mortgage. Mr. Iannotti immediately cleaned up the property, which cost him \$4,100.

Ms. Leigh further advised that the criteria for requesting a waiver or reduction has been met; therefore, staff recommends reducing the lien to the estimated cost for processing the case.

**Motion** by Commissioner Morris, seconded by Commissioner Van Der Weide to approve reduction of the Code Enforcement Board Lien to the estimated costs of \$383.23 on property located at 2301 Wacassa Street, Geneva, Richard F. Kletty III & Monica Kletty, Case #01-15-CEB (John Iannotti, mortgage holder), as shown on page 1854.9.

Districts 1, 2, 3, 4 and 5 voted AYE.

Flanner, Cindy Matheny, addressed the Board to present the Final Master Plan and Developer's Commitment Agreement for Palomino Way PUD, located north of Red Bug Lake Road and east of Palomino Way, Sherri Fragomeni. She advised the plan and agreement are consistent with the 1994 Development Order for the project. Therefore, staff recommends approval with the time limit for the PUD to be extended two years, and with the

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modification that the wall design will be split-face block, staggered with landscaping, and that the final review of the wall will be done by the BCC at the time of the site plan.

District Commissioner Morris thanked the homeowners for working with the County and developer on this project. Copies of letters from area residents regarding the project were received and filed.

**Motion** by Commissioner Morris, seconded by Commissioner Maloy to approve the Final Master Plan and Developer's Commitment Agreement, as shown on page 1854.1, for Palomino Way PUD, located north of Red Bug Lake Road and east of Palomino Way, Sherri Fragomeni.

Under discussion, Ms. Matheny advised the applicant has asked that a clause be included in the commitment agreement that the single light at Slavia be retimed to help with ingress and egress.

Commissioner Morris stated he will include the retiming of the traffic light in the motion; and will also revise Item #Q in the agreement to read 130 feet from the north and west property lines, instead of 150 feet, with regard to the location of the dumpsters.

The **Motion**, as clarified, was voted upon and carried unanimously with Districts 1, 2, 3, 4 and 5 voting AYE.

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Pam Hastings, Public Works Administration Manager, addressed the Board to request authorization to transmit Interlocal Agreement to the Cities and School Board for the renewed Local Option One Cent Sales Tax.